

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

BOBBY LEON WYNN,

Petitioner,

V.

SHERIFF DAVID DAVIS,

Respondent.

CIVIL ACTION NO. 5:12-CV-517 (MTT)

ORDER

Before the Court is the Recommendation of Magistrate Judge Charles H. Weigle on the Respondent's motion to dismiss the Petitioner's application for writ of habeas corpus. (Doc. 34). The Magistrate Judge recommends that the petition be dismissed as untimely. The Magistrate Judge also recommends that the Petitioner's motion for subpoena (Doc. 33) be denied as moot. Further, it is recommended that a certificate of appealability be denied because the Petitioner has failed to make a substantial showing of the denial of a constitutional right. The Petitioner has not objected to the Recommendation.¹

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Respondent's motion to dismiss (Doc. 23) is **GRANTED** and the petition is **DISMISSED**.

¹ The copy of the Report and Recommendation mailed to the Petitioner at Bibb County Law Enforcement Center was returned as undeliverable. (Doc. 35). However, the Petitioner has not updated his address since May 2013 when he informed the Court he was returned to Bibb County LEC from Central State Hospital. (Doc. 14).

A certificate of appealability is **DENIED**. Finally, the Petitioner's motion for subpoena (Doc. 33) is **DENIED as moot**.

SO ORDERED, this 17th day of June, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT